

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

GILEAD SCIENCES, INC., et al.,	:	
	:	
Plaintiffs,	:	Case No. 21-cv-4106 (AMD) (RER)
	:	
v.	:	FILED UNDER SEAL
	:	PURSUANT TO 15 U.S.C. § 1116(d)
SAFE CHAIN SOLUTIONS, LLC, et al.,	:	
	:	
Defendants.	:	

**STIPULATION AND [PROPOSED] ORDER EXTENDING THE TIME FOR THE DUNN
DEFENDANTS TO RESPOND TO *EX PARTE* ORDERS**

WHEREAS, on July 30, 2022, Plaintiffs Gilead Sciences, Inc., Gilead Sciences Ireland UC, and Gilead Sciences, LLC (together, “Gilead” or “Plaintiffs”) filed their proposed Fourth Amended Complaint and sought a temporary restraining order, asset freeze order, and *ex parte* seizure against, *inter alia*, Defendant David Dunn (hereinafter, “Mr. Dunn”, and collectively with Defendant PCISONE LLC and Defendant Pharmacy Consulting Services Inc., “the Dunn Defendants”);

WHEREAS, on August 11, 2022, the Court entered, the Fourth Amended Complaint, the Temporary Restraining Order and Order to Show Cause for a Preliminary Injunction, the Asset Freeze Order, and the Seizure Order (Dkt. Nos. 626-629);

WHEREAS, on August 17, 2022, Plaintiffs executed the Court’s *ex parte* seizure order at the residence of Mr. Dunn;

WHEREAS, on August 23, 2022, the Court entered an Order extending and modifying the Asset Freeze Order, Seizure Order, and Temporary Restraining Order and Order to Show Cause with regard to the Dunn Defendants (Dkt. No. 642);

WHEREAS, on September 8, 2022, the Court entered an Order extending and modifying the Asset Freeze Order, Seizure Order, and Temporary Restraining Order and Order to Show Cause with regard to the Dunn Defendants (Dkt. No. 751), and the parties have continued discussions concerning a potential amicable resolution with regard to those Orders; and

WHEREAS Gilead and the Dunn Defendants have agreed to further extend the Dunn Defendants' time to serve answering papers regarding the modified Temporary Restraining Order and Order to Show Cause for a Preliminary Injunction and the modified Asset Freeze Order;

NOW THEREFORE, UPON THE STIPULATION AND AGREEMENT by and between the undersigned counsel for Plaintiffs and the Dunn Defendants, it is hereby ORDERED that:

1. The Temporary Restraining Order and Order to Show Cause for a Preliminary Injunction entered on August 11, 2022 ("TRO Order"), modified on August 23, 2022, and further modified on September 8, 2022, is hereby further MODIFIED as to the Dunn Defendants as follows:
 - a. On the consent and stipulation of Plaintiffs and the Dunn Defendants, the Temporary Restraining Order set forth in paragraphs 1 through 9 of the TRO Order shall be and remain in effect through and until _____ with regard to the Dunn Defendants, which represents the earliest date on or after November 11, 2022 that the Court's schedule allows for the Order to Show Cause hearing as set forth in subparagraph 1(b) below.
 - b. The Dunn Defendants shall show cause before this Court at Courtroom _____, Theodore Roosevelt United State Court Courthouse, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, 11201, on the ____ day of _____ 2022, at _____ o'clock a.m./p.m., or such other date as

may be fixed by the Court, why a preliminary injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, should not be issued enjoining the Dunn Defendants and their principals, agents, officers, directors, members, servants, employees, successors, assigns, and all other persons in concert and participation with them in the manner set forth in paragraphs 1-9 of the TRO Order for the duration of this litigation.

- c. Answering papers, if any, shall be filed by the Dunn Defendants with this Court and served upon Plaintiffs' counsel no later than **October 21, 2022**, and reply papers shall be filed and served no later than **November 11, 2022**.
- d. Except to the extent inconsistent with this Order, the provisions of the Court's TRO Order shall remain in effect.

2. The Asset Freeze Order, entered on August 11, 2022, modified on August 23, 2022, and further modified on September 8, 2022, is hereby further MODIFIED as to the Dunn Defendants as follows:

- a. On the consent and stipulation of Plaintiffs and the Dunn Defendants, answering papers, if any, shall be filed by the Dunn Defendants with this Court and served upon Plaintiffs' counsel no later than **October 21, 2022**, and reply papers shall be filed and served no later than **November 11, 2022**.
- b. Except to the extent inconsistent with this Order, the provisions of the Court's Asset Freeze Order shall remain in effect.

3. To the extent they have not done so, the Dunn Defendants agree to produce all documents and materials they are required to produce under the TRO Order and Asset Freeze Order by the deadlines set forth in each respective order.
4. Plaintiffs and the Dunn Defendants do not waive and reserve all rights and remedies not specifically addressed herein.
5. Signatures transmitted electronically or by facsimile shall be deemed original.

Dated: September 28, 2022

Respectfully submitted,

<p>PATTERSON BELKNAP WEBB & TYLER LLP</p> <p><i>/s/ Timothy A. Waters</i></p> <hr/> <p>GEOFFREY POTTER ARON FISCHER TIMOTHY A. WATERS THOMAS P. KURLAND GIZELE RUBEIZ 1133 Avenue of the Americas New York, NY 10036-6710 Tel: (212) 336-2000 Fax: (212) 336-2222 gpotter@pbwt.com afischer@pbwt.com twaters@pbwt.com tkurland@pbwt.com grubeiz@pbwt.com <i>Attorneys for Plaintiffs</i></p>	<p>WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP</p> <p><i>/s/ Russell L. Porter</i></p> <hr/> <p>RUSSELL L. PORTER, ESQ. 150 East 42nd Street New York, NY 10017 Tel: (212) 915-5140 Russell.porter@wilsonelser.com <i>Attorneys for Defendants David Dunn, PCSIONE, LLC and Pharmacy Consulting Services, Inc.</i></p>
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SO ORDERED

Issued: